

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE

RECEIVED
IN CLERK'S OFFICE

JAN 28 2015

U.S. DISTRICT COURT
MID. DIST. TENN.

CRAIG CUNNINGHAM, Pro-se

Plaintiff

v.

Dish Network LLC and All American Dish

Defendants.

CIVIL ACTION NO.:

Plaintiff's Original complaint

1. The Plaintiff in this case is Craig Cunningham, a natural person and was resident of Davidson County at all times relevant to the complaint, and currently has a mailing address of 5543 Edmondson Pike, ste 248, Nashville, TN 37211
2. Dish Network LLC is a corporation that can be served via registered agent: Corporation service Company dba CSC Lawyers Incorporating Service Company, 211 E. 7th Street, ste 620 Austin, TX 78701
3. All American Dish is a corporation operating from 7320 E 86th Street, ste 200 Indianapolis, IN 46256 and can be served at the address as well.

Jurisdiction

4. Jurisdiction of this court arises as the acts happened in this county.
5. Venue in this District is proper in that the defendants transact business here, and the acts and transactions occurred here.

FACTUAL ALLEGATIONS

6. In December 2014, the Plaintiff received an automated call soliciting cable Television service. The company identified themselves as All American Dish and stated that they were offering the services of Dish Network television as an authorized retailer. They described several television packages and also stated that they had no idea where they obtained the Plaintiff's phone number from when asked. They gave the Plaintiff the website www.allamericandish.com to refer to as well.
7. Dish Network has been sued in the past for making unsolicited robo-calls and clearly has no intention of following the law as it is more profitable to pepper consumers with annoying phone calls than it is to obey the law and market in a compliant way.
8. The 6th Circuit and FCC via their rulemaking authority have deemed that 3rd parties not actually involved in the call may still be held vicariously liable for the actions of entities they hire to break the law on their behalf. Ironically, this was in another lawsuit against Dish Network for violating the TCPA by placing unsolicited telephone calls.
9. The call was not related to any emergency purpose, it was not the result of any consent to be called using an automated telephone dialing system by the Plaintiff, and was to the Plaintiff's cell phone.

CAUSES OF ACTION:

COUNT I

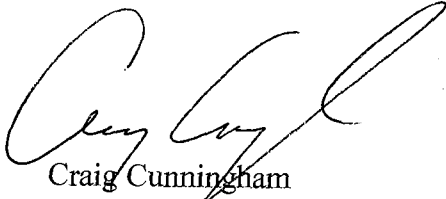
Violations of the Telephone Consumer Protection Act (TCPA)

10. Plaintiff Cunningham incorporates by reference all of the above paragraphs of this complaint as though fully stated herein.
11. The foregoing actions by the Defendants constitute multiple breaches of the TCPA by placing automated calls with pre-recorded messages to the Plaintiff's Cell phone.

PRAYER FOR DAMAGES AND RELIEFS

- A. WHEREFORE, Plaintiff, Cunningham, respectfully prays and requests that judgment be entered against Defendants
 - B. Statutory damages of \$3000 against each defendant
 - C. Pre-judgment interest from the date of the phone calls.
 - D. Punitive damages for all claims in the amount of \$30,000 against each defendant
 - E. Attorney's fees for bringing this action as incurred; and
 - F. Costs of bringing this action; and
 - G. For such other and further relief as the Court may deem just and proper
- I, Craig Cunningham, Affiant, hereby attest to and certify that the facts contained in the foregoing complaint are true and correct to the best of my knowledge, information and belief and that a true and correct copy of the foregoing was sent to the defendants in this case.

Respectfully submitted,



Craig Cunningham

Plaintiff, Pro-se

Mailing address:

5543 Edmondson Pike, ste 248

Nashville, tn 37211

615-348-1977

January 26th, 2014